

SECURITIES AND EXCHANGE COMMISSION
(Release No. 34-99095; File No. SR-MEMX-2023-25)

December 6, 2023

Self-Regulatory Organizations; MEMX LLC; Notice of Withdrawal of a Proposed Rule Change to Amend the Exchange's Fee Schedule to Establish an Options Regulatory Fee

On September 27, 2023, MEMX LLC (“MEMX” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the “Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change (File No. SR-MEMX-2023-25) to establish an Options Regulatory Fee.³ The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.⁴ The proposed rule change was published for comment in the Federal Register on October 4, 2023.⁵ On November 24, 2023, pursuant to Section 19(b)(3)(C) of the Act, the Commission temporarily suspended the proposed rule change and instituted proceedings

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 98585 (September 28, 2023), 88 FR 68692 (October 4, 2023) (“Notice”).

⁴ 15 U.S.C. 78s(b)(3)(A). A proposed rule change may take effect upon filing with the Commission if it is designated by the exchange as “establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization.” 15 U.S.C. 78s(b)(3)(A)(ii).

⁵ See Notice, supra note 3.

under Section 19(b)(2)(B) of the Act to determine whether to approve or disapprove the proposed rule change.⁶ On December 1, 2023, the Exchange withdrew the proposed rule change (SR-MEMX-2023-25).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁷

Sherry R. Haywood,

Assistant Secretary.

⁶ See Securities Exchange Act Release No. 99017, 88 FR 83590 (November 30, 2023).

⁷ 17 CFR 200.30-3(a)(12).